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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,242	05/18/2005	Masuo Koyama	TAD-C560	5781

7590 02/27/2009
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EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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02/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,242	Applicant(s) KOYAMA ET AL.	
	Examiner ALICIA CHEVALIER	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Claims 1-13 are pending in the application.

WITHDRAWN REJECTIONS

2. The 35 U.S.C. §102 rejection of claims 1, 3-5, 7, 10 and 12 over Murata et al. (US Patent No. 6,261,665), made of record in the office action mailed October 2, 2008, pages 2-3, paragraph #4 has been withdrawn due to Applicant's arguments in the response filed December 19, 2008.
3. The 35 U.S.C. §103 rejections made of record in the office action mailed October 2, 2008, pages 3-4, paragraphs #4 and #5 has been withdrawn due to Applicant's arguments in the response filed December 19, 2008.

NEW REJECTIONS

4. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

Claim Rejections - 35 USC § 103

5. Claims 1-5, 7-10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amimori et al. (U.S. Patent No. 6,559,915) in view of Takahashi et al. (U.S. Patent No. 6,265,133).

Regarding Applicant's claims 1-3, 8, Amimori discloses a fingerprint easily erasable/removable film (*col. 31, lines 17-21*). The film (*optical film, title*) has a matted surface

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represented by an arithmetical mean roughness of 0.05 μm or higher in terms of the arithmetical mean roughness R_a defined in JIS B0601 (*col. 10, line 53 and col. 10, line 63 through col. 11, line 20*). The matted surface further has a ten point mean surface roughness R_z of 0.2 to 2.0 μm (*col. 3, line 60*). The film as a whole has a haze of 1.5 to 35.0% (*col. 10, line 30*).

Amimori fails to disclose that the surface has a wet tension of 25 mN/m or higher.

Takahashi teaches a coating which is fingerprint attachment resistant (*col. 1, lines 11-16*). The coating has a wet tension of 25 mN/m or higher (*col. 9, lines 43-45*). Furthermore, from table 2 it can be seen that if the wet tension is below 20 mN/m (*comparative examples*) the coating does not resist fingerprints.

It would have been obvious to one of ordinary skill in the art at the time of the invention to make Amimori's surface with wet tension of 25 mN/m or higher as disclosed by Takahashi in order to make the Amimori's film resistant to fingerprint stains.

Regarding Applicant's claims 4, 9 and 10, Amimori discloses the film comprises a substrate (*transparent support, figure 2, reference #1, 41*) and a resin layer (*hard coat/low refractive index, figure 2, reference #2, 42 and #3, 43*) provided on the substrate and has the matted surface as a surface of the resin layer (*figure 2*).

Regarding Applicant's claim 5, the limitation "the resin layer is formed from a coating material containing an ionizing radiation curable resin" is a method limitation and does not determine the patentability of the product, unless the process produces unexpected results. The method of forming the product is not germane to the issue of patentability of the product itself, unless Applicant presents evidence from which the Examiner could reasonably conclude that the claimed product differs in kind from those of the prior art. MPEP 2113. Furthermore, there does

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not appear to be a difference between the prior art structure and the structure resulting from the claimed method because Amimori discloses that the resin layer is curable (*col. 28, lines 20-21 and col. 25, lines 52-53*).

Regarding Applicant's claims 7 and 12, Amimori discloses that the resin layer contains silica particles as the matting agent (*col. 16, lines 25-26*).

6. Claims 6, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amimori in view of Takahashi as applied above, and further in view of Hasno et al. (U.S. Patent No. 6,716,513).

Amimori and Takahashi are relied upon as described above.

Regarding Applicant's claims 6 and 11, Amimori and Takahashi fail to disclose the resin layer contains two kinds of matting agents having different average particle diameters.

Hasno discloses a coating for optical displays (*col. 4, lines 23-43*). The coating contains two kinds of silica particles having different average particle diameters (*figure 1 and col. 5, lines 45-63*). The coating is antifogging (*col. 4, lines 7-22*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use two kinds of matting agents having different average particle diameters as taught by Hasno in the combination of Amimori and Takahashi in order to impart antifogging.

Regarding Applicant's claim 13, Amimori discloses that the resin layer contains silica particles as the matting agent (*col. 16, lines 25-26*).

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ANSWERS TO APPLICANT'S ARGUMENTS

7. Applicant's arguments in filed December 19, 2008 regarding the previous rejections of record have been considered but are moot since the rejections have been withdrawn.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Alicia Chevalier/
Primary Examiner, Art Unit 1794
2/27/2009